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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,066	01/15/2002	Keiichi Kanaka	009760-015	6058

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EXAMINER

ROBERTSON, JEFFREY

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/031,066	KANAKA ET AL.	
	Examiner	Art Unit	
	Jeffrey B. Robertson	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6,8,9,11-14 and 17-20 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 7,10,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0102</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Interpretation

1. In interpreting the phrase "kinds of" in claims 1-3, as applied to compounds and resins set forth in the claims, the examiner has interpreted this phrase to be limited to different permutations of the general compounds and resins specifically disclosed following these phrases.

Claim Objections

2. Claims 7, 10, 15, and 16 are objected to because of the following informalities:

For claim 10, the claim ends in a colon. This should be changed to a period.

Appropriate correction is required.

For claims 7, 15, and 16, the formula (IV) fails to further limit formula (I) disclosed in claim 1. Claim 1 discloses that X is a hydrogen atom, hydroxyl group, or a *monovalent* organic group. In addition R is a *monovalent* organic group. This does not allow for the presence of Y, a divalent group in the formula. In addition the definition of Y as a dioxy organic group is not allowed by the broad definitions given in claim 1.

Allowable Subject Matter

3. Claims 1-6, 8, 9, 11-14, and 17-20 are allowed.

4. Claims 7, 10, 15, and 16 would be allowable if rewritten or amended to overcome the claim objections set forth in this Office action.

5. The following is a statement of reasons for the indication of allowable subject matter: Aketa et al. (U.S. Patent No. 5,514,739), Kurita (U.S. Patent No. 5,679,284) Murakami et al. (U.S. Patent No. 6,127,466), Saito et al. (U.S. Patent No. 6,280,668),

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Murakami et al. (U.S. Patent No. 6,414,072) are all cited as the closest prior art. Each of these references teaches a composition that contains polyester that does not form an anisotropic melt phase, liquid crystal polymer that is capable of forming an anisotropic melt phase, and a phosphorus compound. However, none of these references teaches or suggests the phosphorus oxoacid monoesters and diesters as set forth in the instant claims. The phosphorus compounds set forth in these references all contain at least three ester groups, and none of the references would provide any motivation to one of ordinary skill in the art to substitute the phosphorus compounds claimed in the instant application for the compounds used in those references.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

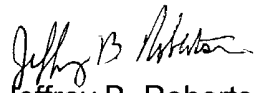
Kim et al. (U.S. Patent No. 5,679,288), Dashevsky et al. (U.S. Patent No. 5,833,886), and Long et al. (U.S. Patent No. 6,348,163) are cited for general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (571) 272-1092. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffrey B. Robertson
Primary Examiner
Art Unit 1712

JBR